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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,024	10/18/2000	Peter Iselt	4100 116P	5475

2292 7590 08/23/2004

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EXAMINER

PHAN, MAN U

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 08/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,024

Applicant(s)

ISELT, PETER

Examiner

Man Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
7) ☐ Claim(s) 5 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment and Argument

1. This communication is in response to applicant's 06/01/2004 Amendment in the application of Iselt for the "Radio device with remote control" filed 10/18/2000. This application is a 371 of PCT International application number PCT/EP99/01055 which has an international filing data of 02/18/1999. This application claims foreign priority based on the application 198 07928.1 dated 02/25/1998 filed in Germany. The amendment, response has been entered and made of record. Claims 1-6 have been amended, and newly claims 7-14 have been added. Claims 1-14 are pending in the present application.

In view of applicant's proposed corrections with respect to the disclosure, the examiner has withdrawn the objections of record.

In view of applicant's amendment to amend the claims 1-6 to obviate the §112 rejections, therefore, examiner has withdrawn the rejection under 35 U.S.C §112, second paragraph.

2. Applicant's argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.

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3. On page 11, second paragraph, applicant asserts that there is no motivation to combine the references i.e., Van Ryzin and Meyerle, as proposed in the Office Action. In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Van Ryzin (US#6,127,941) applied herein for the teaching of the wireless data transfer operational and, in particular, to a remote control device with a graphical user interface (GUI) for controlling various audio/video devices interconnected in a multimedia system (*integrated device*) in a user friendly manner. In the same field of endeavor, Meyerle (US#4,081,747) teaches the remote control arrangement for a communication system which utilizes communication channel and encoder means for error free transmission.

Applicant's argument with respect to the rejected claims of record (page 10, second paragraph) that the cited references do not disclose an *integrated remote control interface*. It's noted "*integrated*" meant for the interconnection of all parts together as in the Integrated Circuit (IC) board that commonly used in communication devices. However, Van Ryzin discloses in Figs. 1a&b block circuit diagram illustrated the structure of the system for remotely controlling audio/video/data equipment, in which the remote control unit 100 includes a transmitter/receiver (transceiver 116) for performing the appropriate processing operations (modulating signals, etc.) such that information carrying radio-frequency (RF) signals are transmitted/received to and from the remote

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control unit 100. Namely, the transceiver 116 receives, via the antenna 102, the information carrying signals from another transceiver and passes the received information for processing by the microprocessor 112. Alternatively, the transceiver 116 may transmit the information carrying signals, also via the antenna 102, as supplied by the microprocessor 112. It is understood, of course, that various other components, such as various integrated circuits (IC), etc., are contained in the remote control unit 100 to carry out the operations (Col. 3, line 66 – Col. 4, line 15). Furthermore, Fig. 1a shows a representative multimedia system comprised of various components (devices). For example, included in the system is a television set (TV) 120, a 200 CD changer 122, a DVD device 124, a DAT device 126, a VCR 128, and an AM/FM receiver 130. The devices are interconnected (*integrated devices/interfaces*) via a serial control link (Col. 4, lines 24 plus). Examiner recognizes that the remote control unit 100 of Van Ryzin does not transmit to the transceiver 132 both operating functions and additional data as admitted by the Applicant (page 10, last paragraph). But rather, the transceiver 132 transmits operating functions and additional data (information from the DVD player 124, DAT 126, VCR 128 for example) is transmitted via the antenna 134 to the remote control unit 100 for operating functions (Fig. 1a & Col. 4, lines 42 plus). Therefore, the Examiner maintains that the references cited and applied in the last office actions are maintained in this office action.

Claim Rejections - 35 USC ' 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin (US#6,127,941) in view of Mayerle (US#4,081,747).

With respect to claims 1-6, both Van Ryzin (US#6,127,941) and Mayerle (US#4,081,747) disclose a novel method and system for a two-way remote control device with a graphic user interface for controlling various devices utilizing wireless data transfer operations according to the essential features of the claims. Ryzin provides a remote control device for wirelessly communicating with a multimedia system comprised of audio/video devices connected with each other, wherein the multimedia system includes a first transceiver for wirelessly transmitting and receiving a number of signals. The remote control device comprises a memory storage for storing specifications data for each of the audio/video devices. The specifications data is operative to have the audio/video devices perform a number of functions in response to command data. Further included is a user input section for inputting the command data representative of a function to be performed in at least one of the audio/video devices. The remote control device also includes a display for displaying a number of graphical objects each corresponding to a respective one of the audio/video devices, and for displaying a menu

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including the number of functions corresponding to each respective audio/video device such that the function is selected from the menu in response to the user input section. Also included is a programmable controller for processing the input command data corresponding to the selected function on the display. In addition, the remote control device comprises a second transceiver for transmitting to the first transceiver a first signal corresponding to the processed command data such that at least one audio/video device is operative to perform the selected function, and for receiving from the first transceiver a second signal corresponding to status data indicating whether the selected function has been performed. (See Figs. 1A&B; Col. 2, lines 29 plus, and Col. 7, lines 30 plus). Furthermore, Van Ryzin's invention is directed to a system for remotely controlling audio/video/data equipment as illustrated in Figs. 1A&B, in which as is apparent from the high level block diagrams, the user may browse through all of the devices in the system by moving the cursor on the display 104 from one corresponding graphical object to another. During the browsing (or function control) operation, each device responds with its status indicating whether the device is on or off, whether the selected function has been performed successfully, etc. by sending the appropriate information carrying signal via the serial control line to the transceiver 132 and then to the remote control unit 100. This information is then received by the antenna 102 and is processed by the transceiver 116. Then, the microprocessor 112 executes the appropriate instructions to display the received information on the display 104 (Col. 5, lines 58 plus).

In the same field of endeavor, Meyerle (US#4,081,747) provides a remote control arrangement for use with communication apparatus, which utilizes a communication channel of the apparatus and which provides a control signal having a frequency lying

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within an information frequency band of the apparatus. Meyerle teaches in Fig. 1 a block diagram illustrated a remote control arrangement for transmitting intelligence occurring in a band of frequencies f_b between first and second remotely located stations. The remote control arrangement which is adapted to activate an element at the first station, comprises an encoder means located at the second station and a decoder means located at the first station. The encoder means provides a remote control signal having a preselected frequency f_e which occurs for a preselected interval of time T_e . Adjustable means are provided at the encoder for selectively varying the frequency f_e over a range of frequencies lying in the band of frequencies f_b and adjustable means are provided for selectively varying the interval of time T_e . The decoder includes means for detecting the reception of a signal of preselected frequency f_e and preselected interval T_e and for activating an element upon detection of the signal. The decoding means more particularly includes adjustable circuit means for tuning the decoder to be selectively responsive to the frequency f_e and adjustable circuit means for tuning the decoder to be selectively responsive to interval T_e (Col. 2, lines 52 plus). It is noted that in wireless networks such as mobile telephone networks, however, the error probability is often extremely high, and the channel coding method employed has a significant effect on the transmission quality. This stage of channel coding is conventional processing stage according to IS54B, before being passed to the RF modulator/demodulator for transmission.

One skilled in the art would have recognized the need for effectively and efficiently remotely control and monitor a radio device utilizing a remote control device with a plurality of adjustable transmitting and receiving functions, and would have applied Meyerle's teaching of the improved remote control which utilizes a

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communication channel and coding apparatus into Ryzin's novel use of the two-way remote control device for wirelessly communicating with a multimedia system.

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Meyerle's remote control for communication apparatus into Ryzin's remote control device with a graphic user interface with the motivation being to provide a method and system for the remotely control and monitor a radio device in wireless communications.

5. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin (US#6,127,941) in view of Seebeck et al. (US#5,657,005).

With respect to claims 7-14, Van Ryzin (US#6,127,941) disclose a novel method and system for a two-way remote control device with a graphic user interface for controlling various devices utilizing wireless data transfer operations according to the essential features of the claims. Ryzin provides a remote control device for wirelessly communicating with a multimedia system comprised of audio/video devices connected with each other, wherein the multimedia system includes a first transceiver (Transmitter/Receiver) for wirelessly transmitting and receiving a number of signals. The remote control device also includes a display for displaying a number of graphical objects each corresponding to a respective one of the audio/video devices, and for displaying a menu including the number of functions corresponding to each respective audio/video device such that the function is selected from the menu in response to the user input section. Also included is a programmable controller for processing the input command data corresponding to the selected function on the display. In addition, the remote control

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device comprises a second transceiver (Transmitter/Receiver) for transmitting to the first transceiver a first signal corresponding to the processed command data such that at least one audio/video device is operative to perform the selected function, and for receiving from the first transceiver a second signal corresponding to status data indicating whether the selected function has been performed (See Figs. 1A&B; Col. 2, lines 29 plus, and Col. 7, lines 30 plus). Van Ryzin further teaches in Fig. 1a illustrated a representative multimedia system comprised of various components (devices). For example, included in the system is a television set (TV) 120, a 200 CD changer 122, a DVD device 124, a DAT device 126, a VCR 128, and an AM/FM receiver 130. The devices are interconnected (*integrated devices/interfaces*) via a serial control link (Col. 4, lines 24 plus). In Fig. 1a, as shown, the transceiver 132 transmits operating functions and additional data (*information from the DVD player 124, DAT 126, VCR 128 for example*) is transmitted via the antenna 134 to the remote control unit 100 for operating functions (Fig. 1a & Col. 4, lines 42 plus).

In the same field of endeavor, Seebeck et al. (US#5,657,005) provides a remote control arrangement for use with communication apparatus, in which the user (*remote control device*) is always informed of the current status (*operational functions*) of the system. Seebeck teaches in Fig. 1 a basic block diagram illustrated of a system and remote control device, in which control data are transmitted from the pickup of the remote control to the system when the remote control is initially operated. The system responds to the control data and transmits the current system values back to the pickup of the remote control where, after verification of the current system values data received by the remote control pickup, a control command is transmitted by the remote control pickup

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to the system, with the command causing the system to accept the control data transmitted by the initial operation of the remote control. Since the user has direct access to all changeable system values as momentary actual values--for example on the display of the remote control, this represents a major increase in convenience when operating the system; in addition, systems or units can now be made available for operation with remote controls where this was not previously possible. The current system status is always shown on the display, thereby not only removing any uncertainty as to the momentary status of the system or current system values, but also largely ruling out fictive or faulty inputs or transmission errors in the event of changes being made, hence considerably improving safety too (Col. 1, lines 33 plus).

One skilled in the art would have recognized the need for effectively and efficiently remotely control and monitor a radio device utilizing a remote control device with a plurality of adjustable transmitting and receiving functions, and would have applied Seebeck's teaching of the improved remote control which utilizes a operating field for enabling a user to enter the operating data into Ryzin's novel use of the two-way remote control device for wirelessly communicating with a multimedia system. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Seebeck's operation of a system using a remote control into Ryzin's remote control device with a graphic user interface with the motivation being to provide a method and system for the remotely control and monitor a radio device in wireless communications.

Allowable Subject Matter

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose or suggest wherein the radio device is connected by a cable to a stationary or semi-mobile remote control interface, and wherein the mobile remote control device is connected by a wireless link to the second remote control interface of the stationary or semi-mobile remote control device for transmitting and receiving, as specifically recited in claim 5.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willis et al. (US#5,559,794) discloses a telecommunication system with selective remote interface assembly and method.

Alt et al. (US# 5,898,384) discloses a programmable remote control systems for electrical apparatuses.

Kimmel et al. (US# 6,281,790) discloses a method and apparatus for remotely monitoring a site.

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McCrory et al. (US# 6,697,962) discloses a remote computer system monitoring and diagnostic board.

Sandelman et al. (US# 6,211,782) discloses an electronic message delivery system utilizable in the monitoring of remote equipment and method of same.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION THIS ACTION IS MADE FINAL**. See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

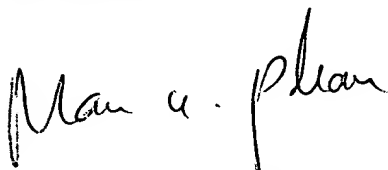
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mphan

08/15/2004.

A handwritten signature in cursive script that reads "Man a. phan".

MAN PHAN
PATENT EXAMINER